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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,252	12/04/2003	Raghavendra Ts Prasad	H0005762	4668

128 7590 01/18/2005

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT PAPER NUMBER

2121

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,252

Applicant(s)

PRASAD ET AL.

Examiner

Ronald D Hartman Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,8,13,14 and 17-18 is/are rejected.
- 7) ☒ Claim(s) 2,3,6,9-12,15,16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/4/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-19 are presented for examination.

Claim Objections

2. Claims 1, 8, 14 and 18 are objected to because of the following informalities:
The use of "can" in line 13 renders the claim indefinite since the limitation may or may not be preset. Suggested changes would be to substitute "manages" for "can manage".
Appropriate correction is required.

Claim 2, line 7, delete the second occurrence of "to said".

Claim 6, line 3, "another command" is objected to because there was not a first command transferred from a second client, and therefore to suggest a second command, and this point in the claims, is premature and should be corrected.

Furthermore, line 5, change "o" to "of". Also, lines 7-8 are confusingly written and suggested claim language would be, "whereby commands from the first and second client are channeled through said FDMS.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 7, 13 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are exactly how the use of the wireless connection enables the FDMS to easily maintain a central log.

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This claim does not explain how or why the maintenance of a central log becomes easier by using simply utilizing wireless communications.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are in line 5 wherein "receiving a second command" and "forwarding the second command" is claimed, but no explicit claim language is presented which indicates which part of the control system receives or forwards this information. This deficiency has been interpreted to mean "the first client receiving the second command from the FDMS..." and "the first client forwarding the second command...".

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "from said third client" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-5, 8, 14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nixon et al., U.S. Patent Application Publication No. 2002/0130846.

As per claims 1, 4, 8, 14 and 18, Nixon et al. teaches:

A control method comprising:

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- providing a wireless connection from a client to an FDMS (e.g. Figure 1, specifically elements 32 and 36 corresponding to the wireless connection, element 30 corresponding to the client, and element 14 corresponding to the FDMS) ;
- enabling the operator to issue a command from the client to a field device (e.g. [0003] and Figure 1 elements 15-19 corresponding to the field devices);
- transferring the command from the client to the FDMS wirelessly (e.g. inherent to the disclosure of Nixon et al. and the use of the wireless connection) ; and
- forwarding the command from the FDMS to the client using a control network, whereby the operator manages the field devices using the client (e.g. Figure 1 elements 12 , 20, 22 and the Ethernet connection between elements 12 and 14 correspond to the control network; [0021]).

As per claim 8, a data block manager is a feature that corresponds to the functions and or capabilities of the host computer (e.g. Figure 1 element 14).

As per claim 18, Nixon et al. further teaches responses being sent back to the issuing computer (e.g. [0008]).

As per claim 5, a network device is inherent to a system which utilizes a HART, PROFIBUS, WORLDFIP, Device-Net, CAN or Foundation Fieldbus communications protocol as these are all typical network communications protocols and a network device must be present in order for these protocols to be implemented or used and therefore this feature is inherent to the disclosure of Nixon et al.

Allowable Subject Matter

5. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per the aforementioned dependent claims, specifically dependent claims 2, 6, 9, 15 and 19, the prior art of record fails to teach or adequately suggest a method for remotely operating field devices in a process control network wherein a first client communicates with a first remotely located field device by sending a first command from a client, receiving the first command by a FDMS, or another computer, forwarding the received command to a control network where it eventually reaches the first field device which is communicatively connected to the control network, in combination with a feature wherein the first client then issues a second command for a second field device (the first client and the second field device are physically connected with one another) by first sending the second command to the FDMS and then having the FDMS sending the command back to the first client so as to then forward this second command to the second field device by utilizing the direct connection to the second field device, thereby avoiding the need for the second command to travel through the control network, as

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was dictated by implementing the system using the first command, in combination with the other claimed features and or limitations as claimed by the claimed invention.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is (571) 272 - 3684. The examiner can normally be reached on Mon. - Fri., 10:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached at (571) 272 - 3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.

Patent Examiner

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x RDH



Anthony Knight

Supervisory Patent Examiner

Group 3600